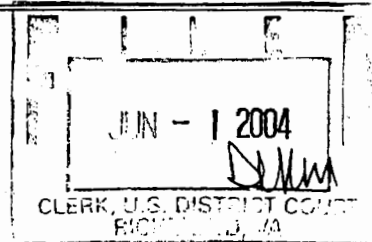


UNITED STATES DISTRICT COURT
Eastern District of Virginia
Richmond Division



UNITED STATES OF AMERICA

v.

Case Number 3:03CR00211-002

RICHARD A. HERTZ, SR.,

USM Number 38049-083

Defendant.

JUDGMENT IN A CRIMINAL CASE

The defendant, RICHARD A. HERTZ, SR., was represented by BRIAN J. GROSSMAN, ESQUIRE.

The defendant has been found not guilty on count(s) 8, 9, 10, 14, 15, 17, 18, 23, 24, 26, 27, 28, 31, 32, 33, 34, 35, 36, 37, and 38.

The defendant was found guilty on count(s) 5, 6, 7, 11, 12, 13, 19, 20, 22, 29, 30, and 40 after a plea of not guilty. Accordingly, the defendant is adjudged guilty of the following count(s), involving the indicated offense(s):

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 U.S.C. 1343 AND 2	WIRE FRAUD; AIDING AND ABETTING (Felony)	05/07/99	5-7, 11-13, 19, 20, 22
18 U.S.C. 1956(a)(1)(A)(i) AND 2	MONEY LAUNDERING; AIDING AND ABETTING (Felony)	04/09/99	29 AND 30
18 U.S.C. 1956(h)	CONSPIRACY TO COMMIT MONEY LAUNDERING (Felony)	12/00	40

The court dismissed count(s) 3 and 21 at trial.

As pronounced on May 26, 2004, the defendant is sentenced as provided in pages 2 through 7 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States Attorney of material changes in economic circumstances.

Signed this 26th day of May, 2004.

A TRUE COPY, TESTE:
CLERK, U.S. DISTRICT COURT

BY

DEPUTY CLERK

James R. Spencer
United States District Judge

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95

Defendant: RICHARD A. HERTZ, SR.
Case Number: 3:03CR00211-002

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of NINETY-SEVEN (97) MONTHS, CONSISTING OF 60 MONTHS ON EACH OF COUNTS 5, 6, 7, 11, 12, 13, 19, 20, AND 22 AND NINETY-SEVEN (97) MONTHS ON EACH OF COUNTS 29, 30, AND 40, TO RUN CONCURRENTLY.

The court makes the following recommendations to the Bureau of Prisons:
THAT THE DEFENDANT PARTICIPATE IN THE UNICOR PROGRAM AND THAT PAYMENTS TOWARD HIS COURT-ORDERED FINANCIAL DEBTS BE WITHDRAWN FROM HIS WAGES.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons BY NOON ON JUNE 14, 2004.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____ at _____
_____, with a certified copy of this Judgment.

Mailed: _____

c: P.O. (2) (3)

Mshl. (4) (2)

U.S. Atty.

U.S. Coll.

Dft. Cnsl.

PTS

Financial

Registrar

ob

United States Marshal

By

Deputy Marshal

Defendant: RICHARD A. HERTZ, SR.
Case Number: 3:03CR00211-002

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of THREE (3) YEARS ON EACH OF COUNTS 5, 6, 7, 11, 12, 13, 19, 20, 22, 29, 30, AND 40, TO RUN CONCURRENTLY.

The Probation Office shall provide the defendant with a copy of the standard conditions and any special conditions of supervised release.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

While on supervised release, the defendant shall not commit another federal, state, or local crime.

While on supervised release, the defendant shall not illegally possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

While on supervised release, the defendant shall not possess a firearm, destructive device, or any other dangerous weapon.

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

Defendant: RICHARD A. HERTZ, SR.
Case Number: 3:03CR00211-002

STANDARD CONDITIONS OF SUPERVISED RELEASE

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below):

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the Probation Officer at least ten days prior to any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

Defendant: RICHARD A. HERTZ, SR.
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SPECIAL CONDITIONS OF SUPERVISION

While on supervised release, pursuant to this Judgment, the defendant shall also comply with the following additional conditions:

- 1) The defendant shall not incur new credit card charges or open additional lines of credit without the approval of the probation officer.
- 2) The mandatory drug testing provisions of 18 U.S.C. § 3563(a)(5) are waived upon the court's finding that the offense of conviction is not drug-related, there is no current or past history of substance abuse, and there is a low risk of future substance abuse by the defendant.
- 3) The defendant shall provide the probation officer with access to requested financial information.
- 4) The defendant shall apply monies received from income tax refunds, lottery winnings, inheritances, judgments, and any anticipated or unexpected financial gains to the outstanding court-ordered financial obligations.
- 5) The defendant shall pay any balance owed on the Special Assessment imposed by the Court in monthly installments of not less than 25% of his monthly net income, or \$400 per month, whichever is greater, starting 60 days after supervision begins.

Defendant: RICHARD A. HERTZ, SR.
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CRIMINAL MONETARY PENALTIES

The defendant shall pay the total monetary penalties under the schedule of payments on Schedule of Payment - Sheet 6.

<u>Count</u>	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
5, 6, 7, 11, 12, 13, 19, 20, 22, 29, 30, 40	\$1,200.00		SEE ATTACHED ORDER

FINE

No fines have been imposed in this case.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all non-federal victims must be paid before the United States is paid.

<u>Name & address of payee(s)</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
SEE ATTACHED ORDER			

Payments of restitution are to be made to Clerk, U. S. District Court.

Restitution is due and payable immediately.

The court determined that the defendant does not have the ability to pay interest and it is ordered that: the interest requirement is waived for the restitution.

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

Defendant: RICHARD A. HERTZ, SR.
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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the Clerk of the Court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

<u>Defendant & Co-Defendant Name(s)</u>	<u>Case Number</u>	<u>Total Amount</u>	<u>Joint and Several Amount</u>	<u>Corresponding Payee</u>
RICHARD A. HERTZ, SR., LAMONT C. KNIGHT, THOMAS W. HOFER, JR.	3:03CR211-02 3:03CR211-01 3:03CR211-03	SEE ATTACHED ORDER		

The defendant shall forfeit the defendant's interest in the following property to the United States:

CONSENT ORDER OF FORFEITURE ENTERED ON 04/05/04 MADE A PART OF THIS JUDGMENT.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.